

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 1-3 and 5-11 are currently active in this case. Claims 1 and 5 have been amended, Claim 4 has been canceled, and Claims 9-11 have been added by the current amendment. No new matter has been added.

In the outstanding Office Action, Claims 1-8 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 and 3-7 and Claims 1-10 of co-pending Application Nos. 10/697,238 and 10/697,027, respectively. Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent No. 1,260,928 to Loose et al. Applicants respectfully point out that the designation of the prior art rejection as a 35 U.S.C. § 102(b) rejection is inappropriate. The Loose et al. publication was published on November 27, 2002. Applicants filed their application on November 19, 2003 which is within one year of the publication date of the Loose et al. publication. Consequently, the Loose et al. patent does not qualify as 35 U.S.C. § 102(b) art. Applicants further note that a counterpart U.S. patent exists regarding the Loose et al. publication. See U.S. Patent No. 6,517,433.

In response to the provisional obviousness-type double patenting rejection, Applicants submit that no action needs to be taken at this time as none of the subject applications have issued as a patent.

Briefly recapitulating, the present invention (Claim 1) is directed to a gaming machine including a display unit configured to variably and statically display a plurality of symbols; an electrical display provided above the display unit and configured to display a pay table in which a winning combination is associated with a predetermined prize to be awarded when the winning combination is formed; and a controller configured to, when the winning

combination is formed depending on a combination of the symbols statically displayed on the display unit, award a prize associated with the formed winning combination based on the pay table.

An electrical display provided above the display unit and configured to display a pay table in which a winning combination is associated with a predetermined prize to be awarded (when the winning combination is formed) has the following benefit: the contents of the pay table can be displayed according to changed parameters (see page 18, lines 16-19, page 30, lines 2-7; and page 30, lines 8-12 of the Specification).

In contrast thereto, Loose et al. state with regard to their optional secondary video display 40 that: "Furthermore, the bonus game may be depicted by the video image 18 alone or in conjunction with a video image depicted on an optional secondary video display 40 (see FIG. 1). The two video images may be linked to appear like one unified image". However, Loose et al. fail to teach or suggest displaying a pay table in its optional secondary video display. A "pay table" is illustrated in FIG. 5 of Loose et al., however, that "pay table" is merely displayed superimposed in front of elements 12a, 12b, and 12c provided on the primary display. Accordingly, Loose et al. fail to disclose or suggest displaying a "pay table" on an electric display provided above a primary display unit. Thus, Loose et al. are not believed to anticipate or render obvious the subject matter defined by claim 1. Claims 2, 3, and 5-11 are believed to be allowable for at least the same reasons that claim 1 is believed to be allowable.

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Consequently, no further issues are believed to be remaining. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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